

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CLAY CALDWELL,)	
Plaintiff)	
)	
vs.)	Civil Action No. 09-217
)	Judge Terrence F. McVerry/
LOUIS FOLINO, Superintendent; JEAN)	Magistrate Judge Amy Reynolds Hay
W. SCOTT, Business Manager; DAN)	
DAVIS, Superintendents Assistance &)	
Grievance Coordinator; DEAN)	
GEEHRING, Mailroom Supervisor,)	
Defendants)	

ORDER

AND NOW, this 21st day of September, 2009, after the Plaintiff, Clay Caldwell, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until August 3, 2009, to file written objections thereto, upon consideration of the objections filed by plaintiff, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the amended civil rights complaint is dismissed before it is served for failure to state a claim upon which relief can be granted, pursuant to the screening provisions of the Prison Litigation Reform Act.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

s/ Terrence F. McVerry
TERRENCE F. McVERRY
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Clay Caldwell
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